IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.655 OF 2004

Satish Dattatraya Gaikwad ..Petitioner

V/s.

1. The Municipal Council, Ichalkaranji, Tal.hatkanangale Dist. Kolhapur & ors. ..Respondents

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Mr.V.B.Rajure for the petitioner.

Mr.T.S.Ingale for Respondent Nos.1 & 2.

Mr.R.M.Patne AGP for Respondent Nos.3 to 5.

Coram : R.M.LODHA & R.S.MOHITE,JJ

Date : 30.3.2005.

PC

. Heard the learned Counsel for the petitioner, the learned Counsel for Respondent Nos.1 & 2 and the learned Counsel for Respondent Nos.3 to 5.

2. The petitioner seeks the appointment in Class-IV on compassionate ground as per Government policy in the municipal council Ichalkaranji (respondent no.1) on the ground that his father was class-IV employee of the municipal council of Ichalkaranji and retired from service on his attaining the age of superauunation.

3. The respondent nos.1 & 2 in the reply affidavit have stated that the respondent no.2 (Chief officer of municipal council, Ichalkaranji) sought advise from the Regional Director, Municipal Administration (respondent no.3) in this regard but no reply has been received so far.

4. In the light of the aforesaid statement made in the reply affidavit by respondent nos.1 & 2, the learned Counsel for the petitioner submitted that merits of the petitioner's claim for appointment on compassionate ground may not be examined by us and the petitioner would be satisfied if direction is given to the respondent no.3 to respond to the communication of respondent no.2 seeking advise regarding petitioner's appointment on compassionate grounds.

5. In the light of the submissions made by the learned Counsel for the parties, we dispose of the Writ petition by following order :-

O R D E R

1. The respondent no.2 is directed to forward again the copy of the letter to the respondent no.3

(Regional Director, Municipal Administration) reference of which has been made in paragraph-5 of the reply affidavit within 4 weeks from today.

2. The Regional Director, Municipal Administration-respondent no.3 shall respond to the said communication of respondent no.2 as early as possible and in no case lesser than 2 months from the date of receipt of copy of the letter.

3. The respondent no.2 shall communicate the decision to the petitioner about his application for appointment as class-IV employee on compassionate ground.

4. All contentions raised by the petitioner in the Writ petition are kept open to be agitated in subsequent proceedings, if necessary.

(R.M.LODHA,J)

(R.S.MOHITE,J)